

**REQUEST FOR HEARING UNDER THE PROVISIONS OF NRS 281.641**  
**("WHISTLE BLOWER LAW")**  
**STATUTE AND REGULATION PRINTED ON REVERSE**

*In accordance with NAC 281.305, this form is provided by the Department of Personnel in filing your appeal with the Hearings Officer. NAC 281.305(2) provides that "The hearing officer may reject a form that is incomplete or otherwise deficient as insufficient to commence the appeal."*

Name of Appellant (please print) \_\_\_\_\_

Mailing Address \_\_\_\_\_  
City State Zip

AT THE TIME OF THE RETALIATORY ACTION DESCRIBED BELOW IN PARAGRAPH 4, I AM/WAS EMPLOYED WITH THE STATE OF NEVADA AS FOLLOWS:

Job Title \_\_\_\_\_, Work Phone \_\_\_\_\_,

Department \_\_\_\_\_, Division \_\_\_\_\_, Section \_\_\_\_\_.

1. Describe the specific factual allegations of improper governmental conduct including the date of any such alleged occurrence; the state officer or state employee alleged to have engaged in such improper governmental action -- either by act of commission or omission -- and the basis or legal theory upon which it is alleged that said conduct constitutes an improper governmental action.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the specific factual allegations as to when, to whom and how the alleged improper governmental conduct was disclosed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe the specific factual allegations as to when, by whom and how the institution and/or individual alleged to have committed a reprisal or retaliation due to the disclosure learned of the disclosure activity of the Petitioner-Employee including any inferences drawn in connection therewith.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Describe the specific factual allegations as to when, by whom and what reprisal or retaliation resulted from their alleged disclosure of the alleged improper governmental action.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPELLANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**NRS 281.641 Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.**

1. If any reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the department of personnel for a determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

- (a) The facts and circumstances under which the disclosure of improper governmental action was made; and
- (b) The reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the personnel commission pursuant to subsection 4.

2. If the hearing officer determines that the action taken was a reprisal or retaliatory action, he may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file a copy of his decision with the governor or any other elected state officer who is responsible for the actions of that person.

3. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

4. The personnel commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

5. For the purposes of this section, "reprisal or retaliatory action" includes:

- (a) The denial of adequate personnel to perform duties;
- (b) Frequent replacement of members of the staff;
- (c) Frequent and undesirable changes in the location of an office;
- (d) The refusal to assign meaningful work;
- (e) The issuance of letters of reprimand or evaluations of poor performance;
- (f) A demotion;
- (g) A reduction in pay;
- (h) The denial of a promotion;
- (i) A suspension;
- (j) A dismissal;
- (k) A transfer;
- (l) Frequent changes in working hours or workdays; or

(m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee, if such action is taken in whole or in part, because the state officer or employee disclosed information concerning improper governmental action.

(Added to NRS by 1991, 1993, A 1995, 347)

**NAC 281.305 Written appeal by officer or employee who claims retaliatory action was taken against him.**

1. A state officer or employee who claims a reprisal or retaliatory action was taken against him for disclosing information concerning improper governmental action may file a written appeal pursuant to NRS 281.641 with a hearing officer in the department of personnel. The appeal must be:

- (a) Filed within 10 workdays after the date the alleged reprisal or retaliatory action took place.
- (b) Submitted on a form provided by the department of personnel.

2. The hearing officer may reject a form that is incomplete or otherwise deficient as insufficient to commence the appeal.

(Added to NAC by Department of Personnel, eff. 3-1-96)